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| 10/022,158 | 12/17/2001 | Michael Wayne Brown | AUS920010833US1 | 4017 |

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EXAMINER

NGUYEN, QUYNH H

| ART UNIT | PAPER NUMBER |
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2642

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DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,158

Applicant(s)

BROWN ET AL.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 6/14/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borland (U.S. Patent 6,178,230).

Regarding claims 1 and 5, Borland teaches a method for identifying a context ("alerting/notifying") for a call, said method comprising: a telephone network (col. 1, lines 10-17 - i.e. PSTN); detecting a call request for a call (Fig. 6, 510 - incoming call); and requesting a context for said call (col. 2, lines 16-24 - alert the user to the identity of the caller and/or callee).

Borland does not explicitly suggest the context indicates whether an on behalf of action is invoked for said call.

However, since the claims are so broad, therefore, Examiner broadly interprets the type of alerting/notifying the user to the identity of the caller and/or callee such as voice recognition, Caller ID unit, caller is prompted to enter a personal identification number, and ISDN (col. 2, lines 60-67) as "an on behalf of action".

Regarding claims 2 and 6, Borland teaches the on behalf of action indicates that a caller identified (col. 2, lines 60-67) for placing said call is calling on behalf of another party ("alert the user to the identity of the callee") (col. 3,

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lines 17-30 - asks the caller for the identity of the callee or to say the name of the callee) and (col. 14, line 28 - the system is calling Paul on behalf of Adam). For example, when a customer service representative is placing a telephone call to a customer on behalf of Sears catalog department.

Regarding claims 3 and 7, Borland teaches the on behalf of action indicates that a callee identified as a recipient of the call is answering the call on behalf of another party (col. 3, lines 16-22) that the telephone system inquires the identity of the callee. For example, when a secretary answers the telephone on behalf of a company or her/his boss.

Regarding claims 4, 8, and 10, Borland teaches transferring said context (alerting/notifying the user to the identity of the caller and/or callee) for said call to at least one party to said call (col. 3, lines 60-65 - distinctive ring signal corresponding to the identified callee is generated).

Claim 9 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Borland teaches a recording medium (Fig. 3).

Regarding claims 11, 17, 21, 35, and 48, Borland teaches receiving a context request for an incoming call (Fig. 6, 510 - incoming call) and alert the user to the identity of the caller and/or callee (call context); analyzing call context information associated with the call (col. 2, lines 60-67 - whether the caller is an exception party); and inferring that an on behalf of action is invoked for the call from call context information (col. 7, lines 42-67 - exception logic performs voice recognition on the answer to determine the identity of the caller).

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Claim 12 is rejected for the same reasons as discussed above with respect to claim 11. Furthermore, Borland does not explicitly suggest a context inference server, but rather a telephone system 100 comprises: exception logic 220, message unit 210, callee identification logic unit 400, identification unit 410, Caller ID unit 460, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the inference server in Borland's system in order to analyze the context information retrieved to infer that a call includes an on behalf of action.

Claim 13 is rejected for the same reasons as discussed above with respect to claims 9 and 12.

Claim 14 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Borland teaches detecting a call between at least two parties (caller and callee); informing at least one party ("the caller") that the on behalf of action is invoked such that an on behalf of party is also indicated for the call (col. 3, lines 17-22 - inquires the caller for the identity of the callee).

Claim 15 and 16 are rejected for the same reasons as discussed above with respect to claims 12, 13, and 14.

Regarding claims 18 and 32, Borland teaches the context information comprises identifiers for said at least two parties (Fig. 7, 450).

Claim 19 and 33 are rejected for the same reasons as discussed above with respect to claims 1, 2, and 3.

Regarding claims 20, 22, 34, 36, and 47, Borland does not teach detecting an automatic authorization for the on behalf of action by an on behalf party to the

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call. However, since Examiner interprets the type of alerting/notifying the user to the identity of the caller and/or callee such as voice recognition, Caller ID unit, caller is prompted to enter a personal identification number, and ISDN as "an on behalf of action", therefore, an automatic authorization for the on behalf of action by an on behalf party to the call, for example, the caller is authorized to identify the callee.

Claims 23, 24, 37, and 38 are rejected for the same reasons as discussed above with respect to claim 20. Furthermore, Borland teaches a telephone connected to the telephone service provider's central office for sending and receiving telephone call such as a conventional or digital telephone, cordless phone, cellular phone, PDA, a web surfer or any system that has a sub function that acts like a classic telephone (col. 5, line 58 through col. 6, line 5), for example paging system. However, Borland does not suggest paging the on behalf of party within a paging radius of a private network system, or querying at least on line number for the on behalf of party. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mentioned above features in Borland's system, in order to have a system that one can access the on behalf party via different types of communications.

Regarding claims 25-30, 39-44, and 49, Borland teaches accessing on behalf filtering on behalf of filtering preferences; an filtering said on behalf of action in said call context according to said filtering preferences (col. 2, lines 16-24 and col. 7, lines 26-67 - allows certain parties referred to as exception parties to override the no-call feature).

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Claim 31 is rejected for the same reasons as discussed above with respect to claims 12 and 17.

Claim 45 is rejected for the same reasons as discussed above with respect to claims 9 and 11.

Regarding claim 46, Borland teaches detecting a request for the on behalf action by at least one party to the call ("alert the user to the identity of the callee").

3. Claims 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borland (U.S. Patent 6,178,230) in view of Farris et al. (U.S. Patent 6,122,357).

Claims 50 and 54 are rejected for the same reasons as discussed above with respect to claims 1 and 20. Furthermore, Borland teaches an ISDN or PDA with display. However, Borland does not teach graphically displaying at least one on behalf of party authorized for a party utilizing a telephony device and updating a context for a call based on selection from the on behalf of party.

Farris et al. teach the terminal 5B displays callers' names and telephone numbers (col. 9, lines 2-10). Farris et al. do not explicitly suggest updating a context for a call based on selection from the on behalf of party.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of graphically displaying at least one on behalf of party authorized for a party utilizing a telephony device and updating a context for a call based on selection from the on behalf of party, in

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Borland's system, in order to have the latest on behalf of action of the call on the context.

Regarding claim 51, Farris et al. teach authenticating an identity of the party (col. 12, lines 45-64); accessing a profile according to said authenticated identity, wherein the profile comprises at least one on behalf of party authorized for the party utilizing the telephony device (col. 12, line 65 through col. 13, line12).

Regarding claims 52 and 53, Borland and Farris teach selecting from among said at least one on behalf of party comprises a single (a caller or callee) or plurality of on behalf of party/parties (a group of callers or callees).

Response to Arguments

4. Applicant's arguments filed 6/14/04 have been fully considered but they are not persuasive.

Applicant argues that Borland teaches the distinctive telephone ring is individualized and distinctive for a particular callee and not an action on behalf of another. This is not directed towards the claims. Furthermore, the distinctive ring is an action on behalf of both the caller and callee. It is an on behalf of the caller because the caller is someone who is an exception party to the callee. It is an on behalf of the callee because of its importance of the caller to the callee. It is at least, as argued, on behalf of the callee. Moreover, Borland teaches (col. 14, line 28 - the system calling Paul on behalf of Adam). For example, when customer service representative is placing a telephone call to a customer on behalf of Sears catalog department; and Borland teaches (col. 3, lines 16-22)

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that the telephone system inquires the identity of the callee. For example, when a secretary answers the telephone on behalf of a company or her/his boss.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
September 2, 2004


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER